

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Performance Measurements and Standards  
for Unbundled Network Elements and  
Interconnection

CC Docket No. 01-318

Performance Measurements and Reporting  
Requirements for Operations Support  
Systems, Interconnection, and Operator  
Services and Directory Assistance

CC Docket No. 98-56

Deployment of Wireline Services Offering  
Advanced Telecommunications Capability

CC Docket No. 98-147

Petition of Association for Local  
Telecommunications Services for Declaratory  
Ruling

CC Docket Nos. 98-147,  
96-98, 98-141

**COMMENTS OF  
MPOWER COMMUNICATIONS CORP.  
ON NPRM REGARDING UNE  
PERFORMANCE MEASURES & STANDARDS**

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## **Table of Contents**

Summary.....	3
I. Introduction.....	5
II. Performance Measure Requirements.....	7
III. Need for Performance Remedies.....	10
IV. Need Measure for No-Facilities.....	12
V. Other Issues.....	15
VI. Procedures for Moving Forward.....	17
VII. Industry Solution Called For.....	18
VIII. Conclusions.....	19

## Summary

Mpower agrees that the performance measures suggested by the Commission are good, core measures which are appropriate for minimum national standards. Mpower believes, however, that at least one additional measure should be included. That measure is “missed due dates due to lack of facilities,” a measure mentioned by the Commission in ¶¶ 60-61. Mpower believes such a measure is essential to the operation of facilities-based CLECs that must depend upon the ILEC for loops and transport. Mpower believes it is also necessary to confirm state definitions, established by the Michigan & Illinois Commissions, of what constitutes no facilities. Such a definition would require, for example, that necessary equipment be attached to transmission facilities and that the ILEC provide the means to get to a CLEC customer behind a DLC in the loop.

Since the real objective of performance measures and standards for Mpower and other CLECs is good performance, measurement is not enough. Some remedy or remedies are also necessary. Rather than monetary penalties or “incentives,” however, Mpower favors the establishment of various non-monetary processes and procedures aimed at “fixing” the problems recorded. This could involve a mandatory “truck roll” if certain standards are not met, the institution of better or more effective procedures, etc. Certain procedures can be pre-determined and instituted automatically for a month following one in which a given measure was failed.

Inasmuch as the process of determining performance measures and standards is quite far advanced at the state level, what is most needed is an efficient means of tapping into the expertise and continuing the process at the federal level. There are large, well-established national telecommunications trade associations which could and should

undertake the task of providing leadership, organization and support for the development of real industry positions, as opposed to sector advocacy, on issues such as performance measures and standards. Mpower sincerely hopes that one of these existing industry trade associations, such as the USTA, will display the vision and leadership necessary to undertake to facilitate this process.

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**COMMENTS OF  
MPOWER COMMUNICATIONS CORP.  
ON NPRM REGARDING UNE  
PERFORMANCE MEASURES & STANDARDS**

Mpower Communications Corp. ("Mpower") hereby submits its Comments on the issues raised by the Federal Communications Commission ("Commission") in its Notice of Proposed Rulemaking ("NPRM") on unbundled network element ("UNE") performance measures and standards.

**I. Introduction**

Mpower agrees with the Commission that a clear set of federal performance measures and standards for UNEs could provide multiple benefits to ILECs and CLECs alike. Specifically, it could provide all parties with greater inter-carrier and inter-state

comparability regarding ILEC performance while at the same time gradually reducing the reporting burden on ILECs. Also, an enormous amount of detail would be provided on CLEC activities, in a comparable format and in one location. If combined with other sources of information on non-ILEC networks, this information might well facilitate the development of better measures of the amount and types of competition that exist, as well as changes over time.

As also recognized by the Commission, the states have spent much time and given much thought to performance measures and standards. Consequently, they have developed an extensive base of measures, standards and experience for the Commission to draw on. It seems clear, however, that the Commission has made a good start in proposing measures which reflect core wholesale business issues.

In Mpower's experience, 11 of the 12 measures suggested by the Commission are used by ILECs in more than one Mpower market. Of the 12, nine measures have been identified by Mpower and others in a recent state docket as of particular significance and importance to CLECs.

These measures, as well as others, have been carefully identified and clearly defined in various states, for example, in Nevada and California. The California and Nevada measures include the use of numerous analogous products to measure parity, as well as the identification of benchmarks where there are no analogous products or where it is more useful and efficient to use benchmarks. In addition, such state performance measures include business rules which have been carefully evaluated, along with schedules for periodic reviews and audits. Notable also is that in California and Nevada,

the parties were mostly able to agree on all these issues, albeit after numerous long and arduous formal and informal workshops.

## **II. Performance Measure Requirements**

As to the Commission's suggested measures, it is necessary to determine whether these are the measures to use and if so, whether there should be more or fewer and what changes need to be made. Mpower agrees that the items suggested by the Commission are good, core measures, which are appropriate for minimum national standards. Further, they are routinely measured by multiple ILECs. Mpower believes, however, that at least one additional measure should be included. That measure is "missed due dates due to lack of facilities," a measure mentioned by the Commission in ¶¶ 60-61. Mpower believes such a measure is essential to the operation of facilities-based CLECs that must depend upon the ILEC for loops and transport.

Because the Commission only outlined the nature of proposed measures but did not attach any detailed explanations, Mpower is attaching copies of the most nearly identical Nevada measures and standards, with their associated business rules. California's measures, standards and business rules differ in some limited respects but are very nearly the same. The attached measures illustrate how carefully the measures, standards and rules have been identified in some states, such that the Commission need only choose the version it prefers.

Mpower has attached, as Ex. A, the measures in the order mentioned by the Commission rather than as numbered by California and Nevada. Note that for percent trouble for new orders, Mpower has attached two similar measures, listed as Measure 16 and Measure 17a. There are three major ILECs in Nevada and some of the measures are

tailored slightly to the individual ILECs. Measure 16 is closer to the Commission's description, however, the particular version of Nevada's performance measures which is most readily available to Mpower is for Sprint. Sprint uses Measure 17a rather than Measure 16 so Measure 17a is more fully elaborated and illustrates the measure more fully.<sup>1</sup>

The table below provides a brief comparison of the suggested FCC performance measures with Nevada measures which are most similar.

<b>Suggested FCC Performance Measurements</b>	<b>Nevada Performance Measurements</b>
➤ <b>Pre-Ordering Measurement</b>	
<ul style="list-style-type: none"> <li>• <b>OSS Pre-Order Interface Response Timeliness:</b> Measures whether an incumbent's pre-ordering systems provide reasonably prompt response time.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Measure 1 — Average Response Time to Pre-order Queries:</b> The response interval for each pre-ordering query is determined by computing the elapsed time from the ILEC receipt of the query from the CLEC, whether or not syntactically correct, to the time the ILEC returns the requested data to the CLEC.</li> <li>• Address Verification/Dispatch Required</li> <li>• Request for Telephone Number (TN)</li> <li>• Request for Customer Service Record</li> <li>• Service Availability</li> <li>• Service Appointment Scheduling (due date)</li> <li>• Rejected/Failed inquiries</li> <li>• Facility Availability</li> <li>• Loop Pre-qualification</li> </ul>
<b><u>I.</u></b>	
➤ <b><u>Order Measurements</u></b>	
<ul style="list-style-type: none"> <li>• <b>Order Notifier Timeliness:</b></li> </ul>	
— <b>FOC Timeliness:</b> Measures the amount of time it takes an incumbent to send a notice either confirming whether an order placed by a competitor has been accepted and indicating the	<ul style="list-style-type: none"> <li>• <b>Measure 2 — Average FOC/LSC Notice Interval:</b> Measures the average time from receipt of a valid service request to returning a Firm Order Confirmation (FOC)/Local Service</li> </ul>

<sup>1</sup> Mpower has also attached a measure identified as Measure 12, which Mpower will argue should be added to the measures originally suggested by the Commission.



Suggested FCC Performance Measurements	Nevada Performance Measurements
date on which the requested services will be provisioned; or	Confirmation (LSC).
— <b>Reject Timeliness:</b> Informs the competitor that an order has been rejected.	• <b>Measure 3 — Average Reject Notice Interval:</b> Reject interval is the elapsed time between the ILEC receipt of an order from the CLEC to the ILEC return of a notice of a rejection to the CLEC.
• <b>Order Completion Notified Timeliness:</b> Measures the amount of time between the actual order completion and the distribution of the order completion notice to the competitor.	• <b>Measure 18 — Average Completion Notice Interval:</b> Measures the average time per order to issue notification to CLEC of a completed order.
• <b>Percentage of Jeopardies:</b> Measures the number of orders with due dates that receive advance jeopardy notices.	• <b>Measure 5 — Percentage of Orders Jeopardized:</b> Percentage of total orders processed for which the ILEC notifies the CLEC that the work will not be completed as committed on the original FOC.
<u><b>II.</b></u>	
➤ <u><b>Provisioning Measurements</b></u>	
• <b>Percentage On Time Performance:</b> Measures the percentage of competitive LEC orders that were provisioned on or before the scheduled due date.	• <b>Measure 8 — Percent Completed Within Standard Interval:</b> Measures of orders completed within the standard interval of receipt of valid, error-free service request.
• <b>Average Delay Days on Missed Installation Orders:</b> Measures the average amount of time by which an incumbent misses confirmed installation due dates.	• <b>Measure 14 — Held Order Interval:</b> Measures the time period that service orders are not completed by the original due dates for all ILEC reasons (including lack of facilities).
• <b>Installation Quality:</b> Measures the percentage of completed orders for which competitive LECs file trouble reports with the first 30 days after completion of the order.	• <b>Measure 16 — Percentage Troubles in 30 Days for New Orders – Nevada Bell and GTE (SPRINT IS NOT REQUIRED TO REPORT THIS MEASURE):</b> Measures the percent of network customer trouble reports received within 30 calendar days of service order completion. Note: This measure is for all NB services and designed GTE.
	• <b>Measure 17a — Percentage Troubles in 5 Days for New Orders – Sprint:</b> Measures the percent of network customer trouble reports received within 5 calendar days of service order completion
• <b>Percentage Missed Appointments:</b> Measures the number of missed customer appointments for competitors.	• <b>Measure 11 — Percent of Due Dates Missed:</b> Measures the percent of new, move and change orders where installation was not completed by the due date.
• <b>Percent Due Dates Missed Due to Lack of Facilities:</b> FCC’s NPRM paragraphs 60-61	• <b>Measure 12 — Percent of Due Dates Missed Due to Lack of Facilities:</b> Measures the percent

<b>Suggested FCC Performance Measurements</b>	<b>Nevada Performance Measurements</b>
identifies this as a possible measure.	of new, move and change orders missed due to lack of facilities. Note: Results also included in Measure “Percent Missed Due Dates”.
<ul style="list-style-type: none"> <li>• <b>Open Orders in Hold Status:</b> Measures the percentage of circuits that are past the committed due date as of the end of the reporting period.</li> </ul>	<ul style="list-style-type: none"> <li>• No Nevada Measurement.</li> </ul>
<p>➤ <b><u>Maintenance and Repair Measurements</u></b></p>	
<ul style="list-style-type: none"> <li>• <b>Trouble Report Rate:</b> Measures the percentage of provisioned loops or circuits with troubles reported within a certain period of time.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Measure 19 — Customer Trouble Report Rate:</b> Measures the total number of network customer trouble reports received within a calendar month per 100 circuits/UNEs.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Repeat Trouble Report Rate:</b> Measures the percentage of trouble tickets that are repeat trouble tickets, generated within a 30-day period.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Measure 23 — Frequency of Repeat Troubles in 30 Day Period:</b> Measures the percent of customer network trouble reports received within 30 calendar days of a previous report.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Time to Restore:</b> Measures the mean time required by incumbents to restore services after a competitor files a trouble ticket.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Measure 21 — Average Time to Restore:</b> Measures the average duration of customer trouble reports from the receipt of the customer trouble report to the time the trouble is cleared.</li> </ul>

Mpower believes that federal performance measures should apply to all major ILECs. Since the proposed measures and standards are truly “core” measures and are intended to assure that fundamental wholesale functions are adequately performed, they should continue to be measured until sufficient competition exists to make them unnecessary.

### **III. Need for Performance Remedies**

Because the underlying goal is to assure good performance, mere measurement is not enough. That would be analogous to a doctor seeing an ill patient, diagnosing his illness but not treating the problem.

The most common approach to “encouraging” good performance is “incentive” or penalty payments by ILECs to poorly served wholesale customers. That is certainly one possibility and Mpower does not oppose such an approach as long as the “incentive” payments can be set at a level which does not result in any payments merely becoming a cost of doing business. ILECs are big businesses and even relatively heavy fines can have a rather small impact on the ILEC bottom line. Nevertheless, this issue has been extremely contentious in the states with dueling by statisticians dominating the fray.

The real objective for Mpower and other CLECs is good performance. Any remedy that strays too far from that objective is, therefore, likely to be less than effective. As a result, an alternative that Mpower favors is the establishment of various non-monetary processes and procedures aimed at “fixing” the problems recorded. This could involve a mandatory “truck roll” if certain standards are not met, better or more effective equipment where that is an issue, etc. For example:

- 1) If an ILEC misses a provisioning measure such as “troubles during installation” in one month, they could be required to dispatch a technician for loop trouble reports for the next month; or
- 2) Similarly, if an ILEC misses a measure relating to lack of appropriate facilities in one month, it could be required to pre-qualify or “pre-field” facilities for the next month; or
- 3) Another such situation is the repeated report by an ILEC of no trouble found on trouble tickets but after several dispatches, trouble is found on the ILEC side of the network. In such circumstances, ILECs might be required to create an electronic system for the initiation of trouble tickets. In Mpower’s

experience, where such an electronic system is used, it improves the Mean Time To Repair trouble significantly; and

- 4) An issue of narrower scope but of extreme importance to CLECs providing DSL over the “last mile” of ILEC copper wires is a non-functional DSL loop. Attached, as Ex. B, is the relevant portion of a draft procedural agreement on cooperative testing. Procedures such as the attached provide for automatic predetermined testing of failed DSL loops, until they are operable.

These are the sorts of effective policies that cure the patient rather than just “fining” the doctor for malpractice. They can be triggered automatically; they are a more effective remedy; and they may be less contentious and time-consuming to agree upon and implement. CLECs need useful remedies, not just punitive deterrents.

Regardless of which method is used to provide the ILEC an incentive to perform, however, performance measures and penalties should not be made an exclusive remedy. CLECs should still have the option of filing a regulatory complaint or filing a civil suit when circumstances seem to require such a step. No standardized system, no matter how thoughtfully or well constructed, can always be adequate so other remedies should also be available. In Nevada, the rule is that if a penalty is paid and another remedy is ultimately sought and obtained, the penalty amount will be subtracted from the subsequent recovery.

#### **IV. Need Measure for No-Facilities**

Attached with the illustrative measures is Nevada Measure 12, “Percentage Missed Appointments Due to Lack of Facilities.” Mpower feels strongly that this measure should be included in the “core” measures adopted by the Commission. An

ILEC response of “no-facilities” to a CLEC loop order, in particular, has always posed serious problems for CLECs. With some ILECs, the issue has expanded beyond the actual lack of wires in the ground. With these ILECs, if some piece of equipment is missing or the wires are not already in juxtaposition for immediate interconnection, they report to the CLEC that they have no facilities. Then, as they customarily would, they provide the piece of equipment or move the wires and serve the customer themselves! Clearly there must now be a binding definition of what constitutes no facilities. That definition must require the ILEC to provide any equipment or do any work for a CLEC customer that they would customarily do to serve a customer if they were serving that customer directly. Thus, the definition should require, for example, that necessary equipment be attached to transmission facilities, and that the ILEC provide the means to get to a CLEC customer behind a DLC in the loop.

The current problem is, in fact, just a new version of a continuing problem which should have ceased after state commission orders such as the Michigan Public Service Commission Order of 2/9/99, in Case No. U-11735, *In the matter of the complaint of BRE Communications, L.L.C., d/b/a Phone Michigan, against Ameritech Michigan for violations of the Michigan Telecommunications Act* (“*BRE v. Ameritech Order*”), where BRE complained of being billed for improper charges for special construction, in addition to tariffed recurring and non-recurring charges, for numerous unbundled loops.

In that case, BRE proposed that:

[A] loop is available without imposition of a special construction charge whenever one of Ameritech Michigan’s customers could obtain use of the loop without paying a special construction charge. According to BRE, a loop is unavailable only in a new, unassigned territory where facilities do not exist or when major facilities would have to be constructed.<sup>2</sup>

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<sup>2</sup> *BRE v. Ameritech Order*, p. 5.

Ameritech, on the other hand, argued that:

[A]n unbundled loop is only available...if all required loop components exist in a contiguous fashion and provide a complete transmission path that can be assigned at the time that the loop request is processed. In other words, it is Ameritech Michigan's position that a loop is available if the required components already exist in a fully connected fashion.<sup>3</sup>

The Michigan PSC's Staff asserted that:

Ameritech Michigan, as an ILEC, must provide nondiscriminatory service to CLECs of at least the same quality that it provides to itself. Citing Section 251(c)(3) of the FTA [federal Telecommunications Act of 1996], 47 USC 251(c)(3), the Staff argues that Ameritech Michigan is prohibited from assessing special construction charges to BRE, if, under similar circumstances, it does not assess such charges to its own customers. Moreover, the Staff insists that the Federal Communications Commission (FCC) has interpreted the FTA as requiring ILECs to provide efficient competitors with a meaningful opportunity to compete. According to the Staff, Ameritech Michigan's treatment of BRE does not constitute a meaningful opportunity to compete.... [Further,] most, if not all, of the charges being imposed on BRE as special construction charges are routine costs already reflected in the costs and rates approved by the Commission.<sup>4</sup>

The ALJ in *BRE v. Ameritech* determined that "a loop is available as an unbundled loop, and not subject to special construction charges, if Ameritech Michigan can use the loop to connect one of its customers without imposing additional costs."<sup>5</sup>

The Commission upheld the ALJ and ordered Ameritech Michigan to cease and desist from such policies, refund monies paid, cancel special construction charges if not paid, pay costs and pay a fine.<sup>6</sup>

This issue was again dealt with by the Illinois Commission in *Illinois Commerce Commission On Its Own Motion vs. Illinois Bell Telephone Company, Investigation of*

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<sup>3</sup> *BRE v. Ameritech Order*, p. 8.

<sup>4</sup> *BRE v. Ameritech Order*, pp. 13-14.

<sup>5</sup> *BRE v. Ameritech Order*, p. 16.

<sup>6</sup> *BRE v. Ameritech Order*, p. 34; the MPSC decision was affirmed in *Michigan Bell v. Strand, et al.* Case No. 99-CV-71180-DT (E.D. Mich. Jan. 4, 2000)

*construction charges (“ICC Order”)*, Docket 99-0593, Order dated August 15, 2000.

The Illinois Commission decided that: “consistent with the TA96 and the FCC’s order, a facility is available if it ‘is located in an area presently served by’ Ameritech.”<sup>7</sup> Based upon such Orders, it is hard to see how ILECs can now believe it is legitimate to claim that no facilities are available if some piece of equipment has not been put on a line. The FCC should confirm the interpretations reached by the Michigan and Illinois Commissions.

## **V. Other Issues**

The Commission asks, at ¶¶ 77-79, whether there should be periodic review of any measures established, including any business rules, and if so, what processes should be established to assure that the measures and standards keep pace with industry needs and developments. In addition, the Commission asks whether it should set a sunset date at this time.

In Mpower’s experience, state commissions have required periodic review to allow for necessary and useful modifications. Given the amount of review the suggested measures have already had, it seems unlikely that they will continue to need such scrutiny. As Mpower has indicated elsewhere in its Comments, it believes that “core” measures such as the Commission has proposed ought to remain in place until there is adequate competition to offer protection to CLECs. It seems likely that even if competition appears to exist, the measures should be continued for some period to assure that such competition has indeed occurred and that “backsliding” does not occur instead.

While Mpower would tend to favor a triggering event prior to any sunset rather than an arbitrary date, the proper identification of some triggering event could be quite

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<sup>7</sup> *ICC Order*, p. 20.

contentious and drawn out. Thus, Mpower thinks it would be more efficient merely to establish a date for review and further evaluation at some date not less than three years in the future.

The Commission asks, at ¶ 84, whether national performance measures should be reported separately for the ILEC's own retail customers, any affiliates, competing carriers in the aggregate and individual competing carriers. The simple answer is "yes." That is the way it is done in numerous states, including Nevada and California, and that is perhaps the only meaningful way to attain comparable and useful records. Creating such breakdowns would not cause an additional burden on ILECs since they almost certainly are required to categorize their data in that manner in the states.

The Commission also asks, at ¶ 90, whether benchmark standards should be used where analogue measures are unavailable. In the proceedings in Nevada and California, the parties spent a great deal of time identifying and matching proposed ILEC analogues so that parity -- or its lack -- could be accurately measured, as the law seemingly requires. It has been Mpower's experience, however, that since "parity" is usually a moving target, it is often easier and cheaper for all parties if an appropriate benchmark is set, based upon data regarding standards that have customarily been achieved by the ILEC for itself. In these circumstances, the parties know in advance what the standard is and they have an identifiable target to meet. Mpower believes that such benchmarks can be a reasonable and efficient means of measuring whether CLECs achieve service that is as good as the service ILECs provide to themselves.



## **VI. Procedures for Moving Forward**

Shortly after the Telecommunications Act of 1996 became law, major IXC and CLEC began the process of drafting and jointly sponsoring white papers for the measuring of ILEC performance. Every six to eight months or so, there would be an updated version -- complete with new version number -- of the former proposal. These proposals were offered in opening comments on performance measures and standards in many states and often served as the starting point for negotiations among the parties. Some of the biggest companies, ILEC and CLEC alike, devoted personnel full-time to identifying objective, measurable, carefully defined criteria for performance measures and standards. These people often appeared as experts for their companies in several states and had a significant influence on the nature and composition of the measures and standards agreed upon and adopted in those states.

Mpower describes this early process because it believes many, if not most, performance measures were developed by means of negotiation and consensus, based upon CLEC needs and ILEC processes. Some ILECs and CLECs have become quite sophisticated in regard to what can be measured, how it can be measured, what analogues exist, etc. and ILECs have a considerable amount of data, often on their websites.

The process at a state level is quite far advanced. Consequently, what is most needed is an efficient means of tapping into that expertise and continuing the process -- in a winnowing mode -- at the federal level, perhaps with a new version of the early "white papers." Alternatively, the Commission could pick a well-developed "cookbook" of measures from one or more states, similar to the selected measures attached to these

Comments and modify that as desired.<sup>8</sup> Such a document or documents could be placed on a website, comments could be filed electronically, and a series of calls and/or workshops could be held to further tailor the measures and standards, as needed.

Once a core set of measures and standards is decided upon, they should serve as minimum standards for the states. Periodic state reviews should allow the states to make their measures and standards consistent over time.

## **VII. Industry Solution Called For**

The issue of performance measures and standards positively calls out for an industry-directed solution. It is incredible how much can often be accomplished when opponents sit down together and make a genuine effort to resolve the real, underlying issues. Further, this is an area where ILECs, CLECs and IXCs have been working with each other for years. As a result, most aspects of the proposed measures have been negotiated, implemented, measured for significant periods of time and modified, if necessary.

Unfortunately, leadership has been notably lacking in the cooperative development of industry-wide solutions. It is indeed ironic that those calling most loudly for industry de-regulation have displayed an amazing lack of interest in and leadership in industry self-regulation and the development of industry-wide solutions. There is a possibility, however, that this could change and Mpower nominates this issue as one of the first for industry cooperation.

There are large, well-established national telecommunications trade associations which could and should undertake the task of providing leadership, organization and

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<sup>8</sup> The complete "cookbook," including all 44 measures, definitions, audit requirements, etc. is about 100 pages long but is readily available electronically or in hard copy.

support for the development of industry-wise solutions (as opposed to sector positions) on numerous issues, including performance measures and standards. The U.S. Telecom Association (“USTA”), for example, has made a significant effort during the last year to re-focus and re-organize. It has brought in CLEC members and may soon include IXC’s. If the USTA or another trade association could display the vision to move from single sector (ILEC) advocacy toward the shaping of industry solutions, it could for the first time speak to the regulators with one voice for the entire industry. Certainly this would be a far superior use of scarce industry regulatory resources than engaging in interminable rounds of narrow, continuing sector advocacy, which serves only to prolong major disputes and to look to government for solutions.

#### **VIII. Conclusions**

Mpower believes the Commission should adopt federal UNE performance measures and standards, building on the well-advanced efforts and experience in the states. There should be “incentives” or penalties, although Mpower prefers non-monetary solutions that “fix” problems over monetary payments for failed performance. Mpower believes it is necessary to include measures, standards and appropriate definitions for reporting on ILEC lack of facilities to serve CLEC customers. As many of the current state measures and standards were the result of negotiations of the parties, it should be possible to move rather quickly to choose the most desirable measures and standards for implementation at the federal level. Mpower sincerely hopes that one of the

existing industry trade associations will “step up to the plate” and for the first time exercise meaningful, industry-wide leadership to facilitate this process.

Respectfully submitted,

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